



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

March 28, 1997

CERTIFIED MAIL

TO: See attached address list

Re: Midwest Metallics facility
Summit, Illinois

Dear Sirs:

On November 26, 1996, representatives from the United States Environmental Protection Agency (U.S. EPA), the Illinois Environmental Protection Agency (Illinois EPA), the Cook County Department of Environment and the Metropolitan Water Reclamation District inspected the Midwest Metallics facility located in Summit, Illinois. As part of that inspection, eight samples were taken of the large waste pile present at the facility, which were tested for toxicity, using the Toxicity Characteristic Leaching Procedure (TCLP). The results of this testing, set forth in the attached enclosure, show that seven of the eight samples tested above the regulatory limit of 5000 parts per billion for lead. These results show that the waste pile of auto fluff located at the Summit facility is regulated under RCRA. However, since Midwest Metallics has neither sought nor obtained a RCRA permit for this material, the company is operating an illegal treatment, storage or disposal (TSD) facility at its Summit location. Additionally, the large waste pile (estimated by Illinois EPA to contain approximately 300,000 cubic yards of auto fluff) was uncontainerized and stored directly on the ground. Since the contaminants in the waste pile exceeded RCRA regulatory limits, Midwest Metallics' continued placement of wastes into that pile violates the land disposal restrictions set forth at 40 C.F.R. Part 268 and 35 IlAdminCode Part 728.

Operating a RCRA TSD without a permit and placing hazardous waste on the land in violation of the land disposal restrictions are extremely serious violations of federal and state regulations. In addition, during the November 26th inspection, the company's failure to obtain air permits for the Bivitich and Eddy Current System (violations of federal and state regulations, and Cook County Environmental Control Ordinance 5.2-1), and the failure to have a revised storm water pollution prevention plan, as required by the facility's Illinois EPA storm water permit, were also noted. U.S. EPA is aware of the on-going litigation brought by the State of Illinois against Midwest Metallics for solid waste and surface water discharge violations, and for the creation of a nuisance. We also are aware that the company faces lawsuits filed by the State and

the City of Chicago, with regard to its disposal of waste at the site located at 76th and Albany in Chicago.

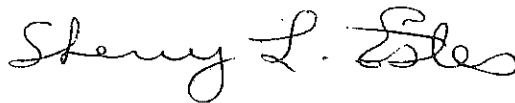
U.S. EPA's goal is to obtain expedited injunctive relief at both sites, as well as the company's continued compliance with the 1996 CERCLA Administrative Consent Order for the H & H Landfill in Gary, Indiana. The City of Chicago particularly wants to obtain an expedited clean-up of the 76th and Albany site, as that site is a candidate for re-use. We would like to discuss with you the possibility of combining this injunctive relief in a comprehensive consent decree, to be entered in the on-going State solid waste action involving the Summit facility, which would contain enforceable timetables. We think that such an approach might offer clear benefits to Midwest Metalics and allow it to avoid litigation brought by several layers of government.

Accordingly, we would like to discuss these matters with you in a meeting, to be held on April 10, 1997, at 10:00 a.m. at the Office of Regional Counsel (ORC), Region V, U.S. EPA, 200 West Adams, in the Lakes and Streams conference room. (Meeting participants should proceed to the ORC reception area on the 29th floor). Present will be representatives of U.S. EPA, Illinois EPA, the Illinois Attorney General's Office, the Cook County State's Attorney and the City of Chicago. We hope that at this meeting we can make substantial progress in negotiating expedited injunctive relief for all of the sites discussed in this letter where Midwest Metalics has disposed of its auto fluff waste.

If serious negotiations toward settlement do not occur at this meeting, U.S. EPA is prepared to seek administrative or judicial enforcement against the RCRA and other violations identified in the November 26th inspection. In such an enforcement action, for the RCRA violations alone, U.S. EPA would seek a substantial penalty. Serious efforts toward expedited injunctive relief at these sites could result in substantial mitigation of the penalty that U.S. EPA would otherwise seek.

You may contact me at (312) 886-7164 if you have any questions regarding this letter or the April 10th meeting.

Sincerely,

A handwritten signature in cursive script, reading "Sherry L. Estes".

Sherry L. Estes
Assistant Regional Counsel

cc: Greater Chicago Enforcement Subcommittee

SERVICE LIST

People v. Midwest Metalics, et al.

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Midwest

Metallies

Table 1: TCLP Metal Analytical Data Summary (Page 1 of 2)

A.T. Kearney Sample Number	S01	S02	S03	S04	S04
Remarks				duplicate of S03	
Matrix	waste	waste	waste	waste	waste
TCLP Metals	ug/l	ug/l	ug/l	ug/l	ug/l
Arsenic	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U
Barium	1810	1950	966	1250	940
Cadmium	535	504	752	869	467
Chromium	1.8 U	4.01	1.8 U	1.84 U	9.5
Lead	4230	5470	12900	22400	12200
Mercury	0.1 U	0.1 U	0.1 U	0.1 U	0.1 U
Selenium	3.9 U	3.9 U	3.9 U	3.9 U	3.9 U
Silver	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U

TCLP
results

Table 1: TCLP Metal Analytical Data Summary (Page 2 of 2)

A.T. Kearney Sample Number	S05	S06	S07	S08	EB-1
Remarks					
Matrix	waste	waste	waste	waste	waste
TCLP Metals	ug/l	ug/l	ug/l	ug/l	ug/l
Arsenic	14.4 U	14.4 U	14.4 U	14.4 U	0.91 U
Barium	899	1150	878	1330	0.8 U
Cadmium	384	470	824	614	0.09 U
Chromium	12.1	15.3	5.51	1.8 U	0.4
Lead	11200	19600	34800	68500	1.49 U
Mercury	0.1 U	0.13	0.16	0.1 U	NA
Selenium	10.8 U	44.7	3.9 U	3.9 U	3.39 U
Silver	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U